Secta. II-37—250,000—31-5-38.

EDUCATION AND PUBLIC HEALTH. (195 ..) Department

SERIES.

G.O. No. 1188 PUBLIC HEALTH.

Dated 2.12.1942

[Despatch Abstract.]

ACT - MADRAS NURSES AND MIDWIVES ACT - AMENDMENT ACTS - RE-ENACTMENT - PAPERS RECORDED.

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Sub: Madras Nurses and Midwives Act - Amendment Acts - Continuance

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Under the Section 93 situation, the Madras Nurses and Midwives Act has been amended twice once in 1941 and another in 1942 - Vide G.O.No.133 Legal dated 15.9.41 and G.O.No.204 Legal dated 3.10.42. With the formation of the Ministry, the question has to be considered whether these Amendment Acts should be repealed, amended or reenacted. The reasons for which their Amendment Acts were passed are explained in the statements appended to the Acts - Vide page 43 of G.O.No.4823 Public Health dated 10.11.41 and page 23 CF. of G.O.No.3378 Public Health dated 31.10.42. As these reasons will hold good even after the formation of the Ministry, these Acts may be reenacted.

The file may be sent to Legal for perusal in the first instance.

Sd...
16.4.46.

LEGAL DEPARTMENT.

Seen in this Department. There is no legal objection to the re-enactment of the two Acts. The question is one of policy.

The Acts will continue to be in operation for two years from the date on which the Proclamation under section 93 of the Government of India Act is revoked - See section 93 (4) of that Act..

Secretary may see.

Sd.K.R.
18/4/46.

EDUCATION AND PUBLIC HEALTH.

This may be over till the Ministry is formed.

Sd..
24/4/46.

The proposal in this file is that the two Amendment Acts to the Madras Nurses and Midwives Act, 1926, Viz.,

(1) The Madras Nurses and Midwives (Amendment Act,1941) Madras Act XVI of 1941) and
(2) The Madras Nurses and Midwives (Amendment Act, 1942 (Madras Act XXIII of 1942)

may be reenacted.

2. The point for consideration is whether the Government of India should be consulted. Attention is invited to the note of the Legal Department on p 49 CF.G.O.No.4823 Public Health dated 10.11.41 and on page 3 NF. of G.O.No.3378 Public Health Dated 31.10.43. These Amendments fall under entry 16 of the Concurrent Legislative List, that is "Legal, Medical and Other Professions". The Government of India, it is submtted will have to be consulted in the matter before the Amendment Acts are reenacted. The point whether the bill will require to be reserved for consideration of the Governor-General under Section 107 (2) of the Government of India Act, 1935, will be considered by the Legal Department after the bill is passed by the Legislature and when it is sent for assent.

3. The Legal Department may be requested to advise on the above points.

Sd...
20/6/46.

P.T.O.

LEGAL DEPARTMENT.

Strictly speaking, consultation with the Government of India may be necessary for the re-enactment as permanent measures of Governor's Acts like these falling within the concurrent field. But having regard to the letters of the Government of India at page 31 ~~of~~ · G.O.No.4823, Public Health*, dated 10-11-1941 and at page 12 of G.O.No.3378, Public Health**, dated 31-10-1942, it is hardly likely that the Government of India will object to the re-enactment of these amending Acts which are solely concerned with a Madras Act. Renewed consultation with the Government of India is not likely to prove more than a formality. Perhaps Public may see the case. The question which has arisen here may also arise in respect of other Acts and other Departments, and it may be useful to write to the Government of India and suggest that formal consultation with them may well be dispensed with, unless of course it is proposed to make material modifications when re-enacting the Acts.

*(S)
**(N)

The question whether the re-enacting Acts should be reserved for the consideration of the Governor-General may be considered after the legislation has been actually passed.

SD.K.V.R.
21/5/46.

EDUCATION AND PUBLIC HEALTH DEPARTMENT.

Public with reference to A above.

Sd.
24.3.46

Public (General)A Department.

This file has been sent to this department with reference to (A) above. It is presumed the intention of Legal is that Chief Secretary should decide whether renewed consultation with the Government of India is necessary before the re-enactment of Acts which were introduced during the Sec.93 situation. This department may advise that in all cases falling under the "Concureent" or "Federal" legislation field, Government of India should be consulted.

2. Attention is, in this connection, solicited to Rule 34 of the Business Rules which lays down inter alia that in cases of doubt in respect of Bills on which previous sanction of Governor General is required, the administration department concerned shall send the papers to the Secretary to the Governor for addressing the Governor General. In the absence of defnite orders on the water, the procedure prescribed in the above rule, may be adopted. Submitted for orders.

With these remarks the file may be returned to Education and Public Health.

Consultation is necessary, although it may be little more than a formality in a case like this.

Sd..
30/5/46.

Education and Public Health.

Yes. (The question raised at X ~~on the previous page~~ marked above may be separately taken up).

Sd...
31 - 5 - 46.

Education and Public Health. D1

This file relates to the re-enactment of two Amendment Acts to

the Madras Nurses and Midwives Act, 1926. The point for consideration is whether the Government of India should be consulted before re-enacting these Acts. The Public Department are of opinion that it is necessary to consult the Government of India. The question raised at X ~~on page 4~~ ante will, presumably, be taken up by the Public department. Pending the issue on the question this department may consult Government of India regarding the re-enactment of the two Amendment Acts referred to above. Before addressing the Government of India on this particular case orders in circulation may be taken.

The file may be sent to Public and Legal.U.O.

.3:

Sd.. 10.6.46.

Public General(B)Department.

The question raised at X ~~on p 4~~ ante has separately been taken up. Pending a decision on the question, Education and Public Health may consult Government of India regarding the re-enactment of the two Amendment Acts referred to above. The file may be passed on to Legal.

Sd.. 12.6.46.
US/ACS/LEGAL.

Public (Gen)B.

M. 3770/46-1
14-6-46

LEGAL DEPARTMENT.

The two Amending Acts referred to in this file will remain in force until the 30th April 1948. and will lapse only on that date if not re-enacted earlier. There seems therefore to be no great necessity to address the Government of India in regard to the permanent re-enactment of these two Acts, if, as presumed, a letter will be addressed to the Government of India on the subject referred to at X ~~on page 4~~ ante at an early date. The reply from the Government of India may be expected in two months at the most, that is, long before the date on which the two Acts will lapse. If, as I trust, the Government of India dispense with formal previous consultation with them in such cases, it will not be necessary to write to them as regards the two Acts referred to in this file. Nothing is therefore lost by waiting, say for a period of 3 months, before taking up this case again.

Public may kindly see again.

K.V.R. 15.6.46.

Public General (B).

This Department may agree with Legal Department and note ~~on pp 6-7~~ ante and return the file to Education and Public Health through Legal.

Sd...
21.6.46.

US/ACS/LEGAL.

/Legal/ Education and Public Health. What is the position as regards X on p 4 NF?

Sd...
21.6.46.

With reference to A.C.S's querry question above, it is submitted that the file was sent to Legal Department. It is ascertained

from Legal that the file has been passed on to Governor's Secretariat for addressing the Government of India in the matter.

Sd...
26/6/46/

Legal/Education and PublicHealth.

U.O.3770/46-2
27/6/46.

LEGAL DEPARTMENT.

Seen in Legal.

SD.K.V.R.
27/6/46.

Education and Public HEalth.

Please see the notes of the Public and Legal department ~~at p 6-7~~ ante. Action is being taken inthe Public to obtain the sanction of Government of India to dispense with formal previous consultation with them for the reenactment of Acts introduced in Section 93 situation. The file may lie over till 9-8-46 when the Public Department may be reminded.

Sd..
A.S.II. As.III. 2/7/46.

Education and Public Health (D1)

Please see the notes of this departments above. Public (General) may be asked to state whether ~~in~~ the sanction of Government of India has been obtained in the matter.

Sd..
2/8/46.

Public (GeneralB)department.

With reference to the note of Education and Public Health above, it is submitted that the Secretary to the Govenner (General Public) has since stated that in re-enacting Section 93 Acts touching the concerned field. the department concerned of the Government of India need not be consulted unless it is proposed to make material alterations. With these remarks the file may be returned to Education and Public Health.

Sd.. 7/8/46.

Education and Public Health.
D1.

The proposal in this case is the enactment of the two Amendment Acts to the Madras Nurses and Midwives Act, 1926 viz.

(1) The Madras Nurses and Midwives (Amendment) Act, 1941 (Madras Act XVI of 1941) and
(2) The Madras Nurses and Midwives (Amendment) Act, 1942 (Madras Act XXIII of 1942).

Please see the notes of the Public department above and also their notes at (c).

The above Acts were passed after their preliminary publication as bills and no objections or suggestions were received from the public on the bills published. Since no modification

is proposed while re-enacting the Acts the Government of India need not be consulted again. A memorandum setting out the object and reasons which led to the passing of the Act is submitted below.

Orders may be taken in circulation, under Secretariat Instructions 32 (2), as to whether the above Act may be re-enacted.

The Memorandum placed below may be circulated to all the Minsters and His Excellency for approval of the proposed legislation.

Sd... 16/8/46.

H.M.(P.H & M) Sd.R.L. 18/8/46.
H.M.(LAW) SD. 20/8/46.
H.M.(A.T & F) SD. 11/9/46.
H.M.(Forest) Sd.. 24/9/46.
H.M.(P.I) Sd.V.K. 12/9/46.
H.M.(Education) T.S.A. 13/9/46.
H.M.(Agriculture) Sd. 26/9/46.
H.M.(P.W.) M.B. 13/9/46.
H.M.(Rev) Sd.. 16/9/46.
H.M.(L.A) Sd.. 19/9/46.
H.M.(HRE) Sd... 22/9/46.
H.M.(I & L) Sd.. 1/10/46.
H.H.M. Sd.. 6/10/46.
H.E. Sd.. 12/10/46.

The file may now be sent to Legal department for incorporating the Amendment Act in this case in the consolidated Bill - Vide Portion makred B on p2 of the u.o.note at (C).

SD. 15/10/46.

LEGAL DEPARTMENT.

The attention of the Education and Public Health Department is invited to this Department U.O.Note No.3331-1 dated the 26th March 1947, with which a copy of the skeleton Madras Re-enacting and Repealing Bill, 1947, was forwarded to them.

2. Entries relating to the re-enactment of Madras Acts XVI of 1941 and XXIII of 1942 have been included in the First Schedule to the Madras Re-enacting and Repealing Bill, 1947 - See page 1 of (Y).

3. In pursuance of the u.o.note referred to in paragraph 1 above, a draft of the Statement of Objects and Reasons to he included in respect of the Acts is put up at flag (Y) and is for acceptance in Education and Public Health.

4. The above two Acts were reserved for the consideration of the Governor-General under section 107(2) of the Govennment of India Act, 1935. It may be necessary, and at any rate safter, to reserve the Bill providing inter alia for the permanent re-enactment of the two Acts for the consideration of the Governor-General.

SDK.V.R. XXXXXX 1-4-47.

Education and Public Health Department.
D3.

This Department may accept the draft of the Statement of objects and Reasons referred to in para 3 of the Legal Department note above. This Department may also agree to the suggestion at M above and the case returned to Legal Department.

Sd..
15.4.47.

LEGAL DEPARTMENT.

The extracts of the Schedule and Statement of Objects and Reasons have been removed from the file and retained in this Department for use in connexion with the draft Madras Re-enactment and Repealing Bill. After the Bill is finally ready, it

it will be sent to the Education and Public Health Department in due course for checking the entries with which they are concerned. This file is not required in this Department at present and is therefore returned to the Education and Public Health Department ~~in the xxxxxx for~~.

SD.K.V.K.
25/4/~~X~~47.

~~Education~~ and Public Health Dept.
D3

Please see the Legal Department note above. with reference to 'M' above the file may lie over till the Bill is recevied in this Department.

L.O.till 1/9/47.

Sd...
30/~~X~~9/47.

It has since been ascertained from Legal Department that the file referred to above may be expected at the end of October in this department. This may therefore lie over till 31/10/47.

Sd...
3/9/47.

With reference to 'M' above, proof copies of the bills sent by Legal Department have been received (entries with which this department is concnered. The orders ~~re~~ ~~x~~ the legislation regarding of the ~~xx~~ amending acts which are under consideration in this file may be awaited. { in G, Section and returned to Legal after checking the

Sd...
26/11/47.

This file deals with the re-enactment and the following amendment - Acts to the Madras Nurses and Midwives Act, 1926, which were introduced during the Section 93 situation:-

(1) The Madras Nurses and Midwives (Amendment) Act, 1941 (Madras Act XVI of 1941) and,
(2) The Madras Nurses and Midwives (Amendment) Act, 1942 (Madras Act of ~~X~~XIII of 1942).

2. The above two acts have now been permanently re-enacted by the Madras re-enacting and Repealing (NO.I) Act, 1948-Madras, Act VII of 1948 and the Surgeon General has been informed accordingly.

3. No further action seems called in this file. The papers may be recorded.

O R D E R.No.Ms.4162. PUBLIC HEALTH. DATED 8-12-48.

R E C O R D E D .

SD..... 3/12/48.

Abstract
ACT- MADRAS-NURSES AND MIDWIVES ACT-AMENDMENT ACT - RE-ENACTMENT - PAPERS RECORDED.

/True Copy/

SUPERINTENDENT.
-6-1953.
Madras Record Office

KP.26/6/53.

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GOVERNMENT OF MADRAS.
Education and Public Health Department.
Memorandum No.23491/48-G2.P.H., dated 9th July 1948.
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Sub: Act - The Madras Re-enhancing and Repealing (No1..) Act, 1948 Madras - Act VII of 1948.

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The Surgeon-General is informed that the following Acts have been included in the Madras Reenacting and Repealing (No.1)Act, 1948 Madras Act VII of 1948:-

Acts permanently reenacted.

1. The Indian Medical Degrees (Madras Amendments)
2. Act, 1940 - Madras Act XX of 1940.
3. The Madras Medical Registration (Amendment) Act 1941 - Madras Act XXI of 1941.
4. The Madras Medical Registration (Amendment) Act 1943 - Madras Act IV of 1943.
5. The Madras Prevention of couching Act, 1945 - Madras Act XII of 1945.
6. The Madras Nurses and Midwives (Amendment) Act, 1941 - Madras Act XVI of 1941.
7. The Madras Nurses and Midwives (Amendment) Act 1942 Madras XXIII of 1942.
8. The Indian Lunacy (Madras Amendment) Act 1943 - Madras Act XII of 1943.

Acts repealed.

The Madras medical Registration (Amendment) Act 1945 - Madras Act XI of 1945.

T.GOVINDA MENON,
Deputy Secretary to Government

To

The Surgeon General with the Government of Madras.

/True Copy/

Sd.T.Ramachandaran Rao,
Superintendent.

/True Copy/

for Superintendent
Madras Record office

3/6